

MISCELLANEOUS CASE COVER SHEET

11 MISC 265 320115

PLAINTIFFS

Securities Investor Protection Corporation

Attorney's (Firm Name, Address, and Telephone Number)

Becker & Poliakoff LP, 45 Broadway, New York, NY 10006

(212) 599-3322

Attorneys for Appellant

DEFENDANTS

Bernard L. Madoff Investment Securities LLC

Attorneys (If Known)

Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111

(212) 589-4200

Attorneys for Trustee

DESCRIPTION OF CASE

28 USC 158, appeal of an Order granting sixth interim applications for fees and expenses of Trustee and his counsel

Has this or a similar case been previously filed in SDNY ?

Hon. Judge Daniels, Hon.

Judge Batts, Hon. Judge

No? ☐ Yes? ☒ Judge Previously Assigned ScheindlinIf yes, was this case: Vol. ☐ Invol. ☒ Dismissed. No ☒ Yes ☒If yes, give date _____ & Case No. M-47

NATURE OF CASE

1st and 3rd dismissed; 2nd and 5th pending

08-1789 #

- ☐ M 08-65 Letters Rogatory - Cuba
☐ M 08-85 Motion to Compel
☐ M 08-85 Motion to Quash
☐ M 08-86 Internet Infringement
☐ M 08-88 Surety Companies
☐ M 08-425 Sureties Proceedings
☐ M 09-282 Attorney Change of Name
☐ M 09-342 Letters Rogatory - Costa Rica
☐ M 09-372 Letters Rogatory - Spain
☐ M 10-7 Letters Rogatory - Argentina
☐ M 10-63 Letters Rogatory - Sweden
☐ M 11-03 SEC Litigation to Freeze Account
☐ M 11-120 Letters Rogatory - Mexico
☐ M 11-188 Subpoenas - Habeas Corpus
☐ M 11-189 Subpoenas - Habeas Corpus
☐ M 12-160 Letters Rogatory - Canada
☐ M 12-329 Letters Rogatory - Italy
☐ M 13-72 Letters Rogatory - Brazil
☐ M 15-306 Letters Rogatory - Puerto Rico
☐ M 15-377 Letters Rogatory - Venezuela
☐ M 16-59 Letters Rogatory - Czech Republic
☐ M 16-88 Sale of Unclaimed Seamen's Effects
☐ M 16-286 Letters Rogatory - Guatemala
☐ M 16-347 Letters Rogatory - Columbia
☐ M 18-66 Forfeiture Proceedings - Funds Held in trust. 28 USC 1746
☐ M 18-113 Letters Rogatory - Tanzania
☐ M 18-117 Letters Rogatory - Poland
☐ M 18-302 Registration of a Judgment From Another District
☐ M 18-304 Administrative Subpoena Proceedings
☐ M 18-305 Registration of Student Loan Judgment
☐ M 18-981 Nonjudicial Civil Forfeiture Proceeding
☐ M 19-4 Letters Rogatory - Jamaica
☐ M 19-5 Letters Rogatory - Trinidad & Tobago
☐ M 19-25 Order Authorizing IRS Officer to Enter Premises for Levy
☐ M 19-42 Letters Rogatory - Egypt
☐ M 19-43 Letters Rogatory - Estonia
☐ M 19-51 Letters Rogatory - Algeria
☐ M 19-58 General Bonds in Admiralty Purs. to Local Admiralty Rule 8
☐ M 19-60 Letters Rogatory - Bulgaria
☐ M 19-63 Receivers - Property in Other Districts
☐ M 19-67 Letters Rogatory - Chile
☐ M 19-70 Letters Rogatory - France
☐ M 19-71 Letters Rogatory - Thailand

- ☐ M 19-73 Letters Rogatory - Austria
☐ M 19-76 Letters Rogatory - Turkey
☐ M 19-77 Letters Rogatory - Arabia
☐ M 19-78 Denial to Sue In Forma Pauperis
☐ M 19-80 Letters Rogatory - Morocco
☐ M 19-82 Letters Rogatory - Japan
☐ M 19-83 Letters Rogatory - Australia
☐ M 19-84 Letters Rogatory - Switzerland
☐ M 19-85 Letters Rogatory - Denmark
☐ M 19-86 Letters Rogatory - India
☐ M 19-88 Letters Rogatory - Germany
☐ M 19-89 Letters Rogatory - Guinea
☐ M 19-90 Letters Rogatory - Norway
☐ M 19-91 Letters Rogatory - West Pakistan
☐ M 19-92 Letters Rogatory - Bahamas
☐ M 19-96 Letters Rogatory - Great Britain
☐ M 19-98 Letters Rogatory - Somalia
☐ M 19-99 Letters Rogatory - Netherlands
☐ M 19-101 Letters Rogatory - Aruba
☐ M 19-102 Letters Rogatory - Peru
☐ M 19-103 Letters Rogatory - Andorra
☐ M 19-104 Letters Rogatory - Brussels
☐ M 19-106 Letters Rogatory - Mauritania
☐ M 19-107 Letters Rogatory - Luxembourg
☐ M 19-109 Letters Rogatory - Portugal
☐ M 19-110 Letters Rogatory - Israel
☐ M 19-111 Letters Rogatory - Ecuador
☐ M 19-112 Letters Rogatory - Ireland
☐ M 19-113 Letters Rogatory - Haiti
☐ M 19-114 Letters Rogatory - Greece
☐ M 19-115 Letters Rogatory - Belgium
☐ M 19-116 Letters Rogatory - Russia
☐ M 19-117 Letters Rogatory - Hong Kong
☐ M 19-118 Letters Rogatory - Bermuda
☐ M 19-119 Letters Rogatory - Monaco
☐ M 19-120 Letters Rogatory - Hungary
☐ M 19-121 Letters Rogatory - Lithuania
☐ M 19-122 Letters Rogatory - Latvia
☐ M 19-123 Letters Rogatory - Finland
☐ M 19-130 Letters Rogatory - Kazakhstan
☐ M 19-131 Letters Rogatory - Dabal
☐ M 19-132 Letters Rogatory - New Zealand
☐ M 19-133 Letters Rogatory - Belarus

4/6/9,
6/15/11

NATURE OF CASE CONTINUED

- ☐ M 19-134 Letters Rogatory - Cyprus
- ☐ M 19-135 Letters Rogatory - South Africa
- ☐ M 19-136 Letters Rogatory - Jersey
- ☐ M 19-137 Letters Rogatory - Antigua
- ☐ M 19-138 Letters Rogatory - Saint Vincent Grenadines
- ☐ M 19-139 Letters Rogatory - British Virgin Islands
- ☐ M 19-141 Letters Rogatory - Korea
- ☐ M 19-143 Letters Rogatory - Liechtenstein
- ☐ M 19-145 Letters Rogatory - Slovak Republic
- ☐ M 19-146 Letters Rogatory - China
- ☐ M 19-148 Letters Rogatory - Anguilla
- ☐ M 19-151 Letters Rogatory - Ukraine
- ☐ M 19-152 Letters Rogatory - Croatia
- ☐ M 19-155 Letters Rogatory - Special Court for Sierra Leone
- ☐ M 19-156 Letters Rogatory - Moldova
- ☐ M 19-193 Letters Rogatory - Yugoslavia
- ☐ M 19-194 Letters Rogatory - Philippines
- ☐ M 19-195 Letters Rogatory - Pakistan
- ☐ M 19-196 Letters Rogatory - Zimbabwe
- ☐ M 19-197 Letters Rogatory - Nigeria
- ☐ M 19-198 Letters Rogatory - Namibia
- ☐ M 19-199 Letters Rogatory - Indonesia
- ☐ M 19-200 Letters Rogatory - Zambia
- ☐ M 19-201 Letters Rogatory - Romania
- ☐ M 19-300 Letters Rogatory - Uruguay
- ☐ M 19-301 Letters Rogatory - Uganda
- ☐ M 19-302 Letters Rogatory - Singapore
- ☐ M 19-303 Letters Rogatory - Mauritius
- ☐ M 19-305 Letters Rogatory - Panama
- ☐ M 19-373 Letters Rogatory - Vietnam
- ☐ M 19-374 Letters Rogatory - Cayman Islands
- ☐ M 19-376 Letters Rogatory - Kenya
- ☐ M 19-378 Letters Rogatory - Azerbaijan
- ☐ M 19-379 Letters Rogatory - Guam
- ☐ M 19-380 Letters Rogatory - Paraguay
- ☐ M 19-382 Letters Rogatory - Bangladesh
- ☐ M 19-383 Letters Rogatory - Albania
- ☐ M 19-384 Letters Rogatory - Malawi
- ☐ M 19-385 Letters Rogatory - Montenegro
- ☐ M 19-386 Letters Rogatory - Seychelles
- ☐ M 22-1 Designation by U.S. Attorney of Individual to accept service of summons and complaint
- ☐ M 22-2 Designation of individual to issue certified copies in bankruptcy part
- ☐ M 23 Petition to Perpetuate Testimony
- ☐ M 25-1 Order for Entry to Effect Levy - IRS Matter
- ☐ M 25-2 Permission to have access to safe deposit boxes
- ☐ M 26-1 Proceeding to Enforce Order of Administrator - National Credit Union
- ☐ M 26-2 Application to Enforce Administrative Order Rule 5A Rule of Division of Business among District Judges
- ☐ M 28 Warrant for Entry & Inspection of Premises
- ☐ M 29 Privacy Act Application
- ☐ M 30 Privacy Act Application
- ☐ M 31 Order of Commodity Exchange Commission Directing Person to Pay Money
- ☐ M 32 Petition for Writ to Produce Federal Prisoner in State Court
- ☐ M 33 Inspection Warrant - Department of Energy
- ☐ M 34 Order of Another District Court that the State Court Produce
- ☐ M 35 Order to Stay Transfer of Federal Prisoner
- ☐ M 36 National Labor Relations Board
- ☐ M 37 Application to Re-Open Civil Case(s) that are more than 25 years old
- ☐ M 38 Application for Reassignment of Bankruptcy Proceeding
- ☐ M 39 Application for Discovery and Inspection of Defendant Detained in Federal Prison
- ☐ M 41 Order of Return of 28:2254/2255 Petition
- ☐ M 42 Order Denying Stay of Deportation
- ☐ M 43 Contempt of Court in Bankruptcy
- ☐ M 44 Claim Compensation under Longshoremens & Harbor Workers Compensation Act
- ☐ M 46 Order From Another District for Public Viewing
- ☒ M 47 Bankruptcy Cases - Before Appeal Filed
- ☐ M 47B Transmission of Proposed Findings of Fact and Conclusions of Law
- ☐ M 48 Application for Appointment of Counsel - No Case In This Court
- ☐ M 49 Order Denying Commencement of Civil Action
- ☐ M 51 Order to Show Cause - Case Being Transferred from Northern District of New York
- ☐ M 52 Application for Leave to File a Complaint
- ☐ M 53 Order Barring Individual from Entering Courthouse Building
- ☐ M 54 Immigration Naturalization - Order Delaying Deportation
- ☐ M 55 Petition for Appointment of Impartial Umpire - Labor Management Relations Act and Others
- ☐ M 58 Application for Extension of Time to File Petition for Removal
- ☐ M 59 Application to Produce Federal Prisoner in State Court
- ☐ M 67 Notice of Eviction to Squatters (USA Cases)
- ☐ M 70 Asbestos Litigation - SDNY
- ☐ M 71 Application re: Federal Rules Cr. 11(e)(2)
- ☐ M 72 Order of Attachment of Another District - EDNY
- ☐ M 73 Subpoena to Government Agency
- ☐ M 75 Application for Writ of Garnishment
- ☐ M 76 Central Violations Bureau
- ☐ M 77 Application to have subpoena issued to person living in this district regarding action in foreign country or tribunal
- ☐ M 87 Order Returning Fees in Miscellaneous Matters
- ☐ M 88 Order Denying Leave to File Civil Case(s) Under Seal
- ☐ M 90 Order of Attachment
- ☒ Other (Please Specify) Appeal 28 USC 158

DO YOU CLAIM THIS CASE IS RELATED TO A MISCELLANEOUS CASE NOW PENDING IN THE SDNY?
IF SO, STATE:

JUDGE Honorable Judge Rakoff MISCELLANEOUS CASE NUMBER 11-3775

NOTE: Please submit at the time of filing an explanation of why cases are deemed related

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellants:

Marsha Peshkin and over 800 Other Customers of Bernard L. Madoff Investment Securities LLC as listed on Exhibit A to the Chaitman Declaration; Becker & Poliakoff, 45 Broadway, New York, NY 10006

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee:

Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC; Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

CHECK ONE: THIS ACTION SHOULD BE ASSIGNED TO

☐

WHITE PLAINS

☒

MANHATTAN

DATE 7/25/2011

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

☐

U.S. GOVERNMENT ATTORNEY

☐

NO

☒

YES (DATE ADMITTED MO. 6 YR. 1978)

ATTORNEY BAR CODE# HC4266

RECEIPT #

Ruby J. Krajick, Clerk of Court, by _____, DATED _____

NOTES:

Civil Cover Sheet Addendum: Explanation of Relatedness

Movants submit that this case is related to *Picard v. Greiff*, No. 11 civ. 3375 (JSR), an action pending in this Court before the Honorable Judge Rakoff and also arising out of the liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act. This action and the *Greiff* action present overlapping issues of non-bankruptcy law, primarily the issue of whether the Trustee's fee arrangement with Baker & Hostetler violates BLMIS customers' right to due process.